

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

U.S.A. vs. Arnoldo Lucio

Docket No. 5:05-CR-7-1H

Petition for Action on Supervised Release

COMES NOW Jeffrey L. Keller, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Arnoldo Lucio, who, upon an earlier plea of guilty to Conspiracy to Distribute More Than 5 Kilogram of Cocaine, in violation of 21 U.S.C. § 846, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on August 3, 2005, to the custody of the Bureau of Prisons for a term of 121 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. The defendant shall pay a \$100 special assessment and a \$3,000 fine.

Arnoldo Lucio was released from custody on May 2, 2013, at which time the term of supervised release commenced in the Southern District of Texas.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

As indicated above, the judgement in this case included a fine in the amount of \$3,000. The outstanding balance due on this financial obligation is \$2,600. The defendant is employed as a general laborer but his earnings are limited to approximately \$300 per week. As such, after meeting his monthly bills and other obligations, he has no extra funds available for which to apply toward his outstanding federal fine. The defendant has indicated to his probation officer in Texas that he is fully aware of his responsibility to pay the fine ordered by the court and is not seeking to avoid this duty, but that doing so will present an extreme hardship on him. As such, Mr. Lucio has requested that he be allowed to complete community service work in lieu of paying the remaining balance on

Arnoldo Lucio
Docket No. 5:05-CR-7-1H
Petition For Action
Page 2

his fine. The probation officer reports that the defendant is making a strong effort to comply with his conditions of supervision and recommends that the court allow Mr. Lucio to complete community service work in lieu of the fine. It is recommended that the requirement to pay the balance of his fine be replaced by an order to complete 260 hours of community service work which will be completed at the rate of at least 75 hours per year. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall complete 260 hours of community service work in lieu of paying any outstanding balance owed on the fine previously imposed by this court. The community service obligation shall be satisfied at the rate of at least 75 hours per year.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8660
Executed On: July 1, 2013

ORDER OF COURT

Considered and ordered this 8th day of July, 2013, and ordered filed and made a part of the records in the above case.


Malcolm J. Howard
Senior U.S. District Judge